

Ms. Spencer gave a PowerPoint presentation and noted **STAFF RECOMMENDS APPROVAL OF THE REQUEST FOR A VARIANCE OF THE REAR YARD SETBACK REQUIREMENT IN THE C-4 DISTRICT BECAUSE THE REQUEST IS CONSISTENT WITH PUBLIC INTEREST; THE NEED FOR THE VARIANCE IS DUE TO THE UNIQUE CONDITIONS OF THE PROPERTY; A LITERAL ENFORCEMENT OF THE SETBACK REQUIREMENT WOULD CREATE AN UNNECESSARY HARDSHIP; AND, THE SPIRIT OF THE ORDINANCE WOULD BE OBSERVED AND SUBSTANTIAL JUSTICE SERVED.**

Mr. Said Larbi-Cherif, Director, City of El Paso, International Bridges Department, and Staff responded to questions and/or comments from the Board.

Chair Veliz asked if the Board Members had any further questions for the applicant or Staff. There being none.

Chair Veliz asked if members of the audience were present to speak in favor of or in opposition to the application. There being none.

1ST MOTION:

Motion made by Mr. Nance, seconded by Mr. Gezelius to **APPROVE.**

FOR THE RECORD: Prior to the vote, Chair Veliz requested Mr. Nance read the Variance guidelines into the record:

APPENDIX A: Findings – Variances

INQUIRY
Is the request for a variance owing to special condition inherent in the property itself? If yes, CONTINUE
Is the condition one unique to the property requesting the variance? If yes, CONTINUE
Is the condition self-imposed or self-created? If no, PROCEED
Will the literal enforcement of the zoning ordinance result in an unnecessary hardship? If yes, CONTINUE
Will the hardship prevent any reasonable use whatsoever? If yes, CONTINUE
Would the grant of the variance be contrary to public interest? If no, PROCEED
Is the request within the spirit of the ordinance and does it further substantial justice? If yes, CONTINUE

ITEM 4:

ZBA09-00006

6259 Franklin Dove Drive

Javier A. Cuevas

Applicant requests a Special Exception under Section 2.16.050 G (Builder Error, Side Street Yard Setback) in an R-3A zone. This would permit the existence of a new residence that encroaches 0.5' (6 inches) into the required side street yard setback. The required side street yard setback is 10' in an R-3A (Light Density Residential) zone. The applicant purchased the house as a foreclosure and recently learned that there was an encroachment in the required side street yard setback. The applicant is not responsible for the encroachment and the encroachment is 6 inches, less than 10 percent of the required 10 foot side street yard permitted by the Builder Error Special Exception.

Ms. Spencer gave a PowerPoint presentation and noted **STAFF RECOMMENDS APPROVAL AS THE REQUIREMENTS FOR THE SPECIAL EXCEPTION G ARE MET.**

Mr. Javier Cuevas, applicant, Mr. Sergio Leos, representing the applicant, and Staff responded to questions and/or comments from the Board.

Chair Veliz asked if the Board Members had any further questions for the applicant or Staff.

Chair Veliz asked if members of the audience were present to speak in favor of or in opposition to the application.

MOTION:

Mr. Melendez moved, Mr. Gezelius seconded and unanimously carried to **APPROVE.**

AYES: Ms. Jorgensen and Messrs. Perez, Cordova, Barela, Nance, Veliz, Mendez, Melendez and Gezelius

NAYS: N/A

The Motion passed. (9-0)

OTHER BUSINESS:

5. Approval of Minutes February 9, 2009

Motion made by Ms. Jorgensen, seconded by Mr. Melendez and unanimously carried to **APPROVE THE MINUTES OF THE FEBRUARY 9, 2009 ZBA MEETING.**

AYES: Ms. Jorgensen and Messrs. Cordova, Barela, Nance, Veliz, Mendez and Melendez

NAYS: N/A

ABSTAIN: Messrs. Perez and Gezelius

The Motion passed. (7-2)

Chair Veliz asked if Board Members had any other business to discuss.

Ms. Jorgensen commented on the newly installed parking meters on Durango Street.

Ms. Castle explained the new City Hall parking lot arrangements for City Board/Commission members.

ADJOURNMENT:

Motion made by Mr. Melendez, seconded by Mr. Barela and unanimously carried to **ADJOURN THE ZBA MEETING AT 2:15 P.M.**

AYES: Ms. Jorgensen and Messrs. Perez, Cordova, Barela, Nance, Veliz, Mendez, Melendez and Gezelius

NAYS: N/A

The Motion passed. (9-0)

Robert Peña, Secretary, Zoning Board of Adjustment